4:Mickey E-5 (1940-7)1947 AE5 Miao AE5

621 were the elders, men who stood at the head of groups of closely related families, known as *pao*. There were three *pao* in Yang-chia-sai, and hence three elders, who formed the village council. Disputes within the family were settled, if possible, in the family, in the *pao* within the *pao*. Disputes within the village between members of different *pao* were ordinarily settled by the three elders. If, however, they were unable to effect a settlement, the litigants had the right to carry their dispute to the next higher official, the *lien pao chang*,[1] who was a Chinese, and so on up to the Chinese court in the *hsien* city.

621 648

276 689 648 123 **Legal Difficulties.** When I went back to the village for the second period of residence, the first of February, 1942, I found that the old man's son, Cheng-hsiang, had been in prison in Lung-li for two weeks. He had gone to collect the price of some rice sold to two families in the city. At the second house he had been arrested in an opium raid and held on the charge of opium smoking. On the sixth I went to the *hsien* magistrate's office on his behalf and found that he had been sent to the local Health Station for observation. The man in charge there was called in. He said Cheng-hsiang would be released and cleared of the charge at the expiration of the required period of observation. On the afternoon of the eighth he was allowed to go home for clean clothing. On the tenth he was released and cleared of the charge.

661 648 123 This same young man went during the last week in June to a place to the east to sell some pork. Upon the homeward way he was robbed by soldiers of the proceeds of the sale and carried off. His companion, who had carried the pork, escaped and went into hiding for a while. They could find out nothing about Cheng-hsiang until a letter came from him, saying that he was held at the point where the motor road forked, one fork going to Hunan, the other to Kwangsi. I went to the *hsien* magistrate for him, as they hesitated to go alone to the *hsien* office and felt in this case that my presence might obtain a better reception there for them, and was told to have them send in an official statement, which

[1] The head official of the *lien pao*.

/249 cont./

847 Deliberate abortion is unknown.

681 The most common punishment is whipping, which the
622 village chief may also order. It is meted out in connection
683 with lies, slandering, insults, and similar offenses and is ad-
689 ministered with a cowhide whip which is greased and made pliable over a fire before being used. Moreover, whipping is often inflicted in addition to the frequent fines in money or property; it is also used when fines in money are not brought in. In such a case, one stroke is given for each piece of silver.

681 In cases of theft up to the value of ten pieces of silver,
685 the thief must simply return the stolen goods and, for the first such offense which is proved against him, is merely warned. Recidivous thieves, on the other hand, must expect corporal punishment, which is meted out in addition to fines in money or goods. Thus, recidivous thieves of produce, domestic animals, and similar goods may be sentenced to mutilation and to the amputation of the third, fourth, or fifth finger of one hand as well as half of the left ear. These punishments can also be meted out if a person is unable to pay the fine in money to which he was sentenced.

685 If the stolen goods represent a value of from 10 to 100
693 pieces of silver, fifty per cent more has to be paid as a fine, and in addition 20 to 30 pieces of silver has to be paid to the judge for his services. If the value exceeds 100 pieces of silver, the entire estimated cost of the loot, that is, 100 per cent, must be paid as a fine, and, in addition, far greater charges for the judge.

681 Imprisonment is unknown, as is emasculation or outright
567 selling into slavery. This seems to be in contradiction to the legal practice of handing over the children of debtors to the creditor for his disposal in lieu of payment. /250/ If one recalls, however, that among the Meau adoption is very common and that even traders deal in the trade of human beings only from this point of view of the Meau, be it for adoption or marriage, the apparent contradiction disappears.

/250 cont./

683 754 Since the Meau do not believe that black magic is practiced among their tribesmen, there is no punishment for it. Outlawing is likewise unknown.

692 622 634 [489] Offenses against custom are judged by the village chief or the great chief. Crimes, which very rarely occur among the Meau, are judged by the great chief. In such cases the village elders and the village chief appear as examining magistrates.

674 114 Dhuraratsadorn (1), too, points out that homicide and

1. Page 171.

crimes of violence are for the most part unknown within the family community, which he designates erroneously as "clan." He assumes that robbery might occur if it becomes known that a member of the community has received a large sum of money through the sale of opium or the like. The author then continues by saying that this offense had never occurred in the district of San Mahapon with which he is familiar, but characteristically he explains this not on the basis of the morality of the [454] Meau, but by their custom of not carrying any money with them, much less keeping it in their houses, but of carefully hiding it somewhere. I was unable to confirm the custom of "money-hiding" among the Meau, but I did find it among the Lahu; hence I assume that there is some confusion on the part of the author.

682 The punishment for murder in connection with robbery or homicide is execution. It is reported of some Meau tribes in China (2) that buffalo were paid as a fine for homicide. Only [634]

2. Eberhard, II, p. 252.

685 439 the great chief, however, can give the sentence. The same punishment befalls anyone who commits simple robbery or theft from traveling merchants. The harsh appraisal of this offense goes back to the fact that the traveling merchants, all of them Chinese, bring wares that are important to the Meau, but those areas in which there is danger of robbery and theft would be avoided.